

HOUSE BILL No. 1312

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-38-2.5.

Synopsis: Home detention monitoring devices. Allows a court to order an offender on home detention to wear a monitoring device that uses the global positioning system (GPS) satellite service to transmit the location of the offender at all times.

Effective: July 1, 2005.

Grubb, Ulmer, Micon, Alderman

January 13, 2005, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1312

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 35-38-2.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. As used in this chapter, "monitoring device" means an electronic device:

(1) that:

(~~1~~) (A) is limited in capability to the recording or transmitting of information regarding an offender's presence or absence from the offender's home;

(~~2~~) (B) is minimally intrusive upon the privacy of the offender or other persons residing in the offender's home; and

(~~3~~) (C) with the written consent of the offender and with the written consent of other persons residing in the home at the time an order for home detention is entered, may record or transmit:

(~~A~~) (i) visual images;

(~~B~~) (ii) oral or wire communication or any auditory sound;

or

(~~C~~) (iii) information regarding the offender's activities while

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inside the offender's home; or

(2) that:

(A) is worn by an offender; and

(B) uses the global positioning system (GPS) satellite service to transmit the location of the offender at all times.

SECTION 2. IC 35-38-2.5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. Before entering an order for home detention that requires the use of a monitoring device described in ~~section 3(3)~~ **section 3(1)** of this chapter, the court shall inform the offender and other persons residing in the home of the nature and extent of electronic surveillance provided by the monitoring device in the home.

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